

Art Unit 2652
Serial No. 09/943,859

Reply to Office Action of: July 19, 2005
Attorney Docket No.: 1012-003/K35R1694

REMARKS

Claims 1-12, 14-17, and 19-20 are pending. Claims 6 and 11 are indicated as being objectionable for informalities. Claims 1, 2, 6-7, 11-12, 15-17, and 20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,381,107 issued to Redon et al. ("*Redon*"). Claims 3-5, 8-10, 14, and 19 are rejected under 35 U.S.C. §103(a) as being obvious over *Redon* in view of U.S. Pat. No. 6,495,311 issued to Khan et al. ("*Khan*"). Applicants respectfully traverse these rejections and respectfully request reconsideration of all claims in light of the following arguments.

AMENDMENTS TO THE CLAIMS:

Applicants amend Claims 6 and 11 solely to correct typographical errors and the resulting informalities deemed objectionable by the Examiner on p. 2 of the Office Action. No substantive changes have been introduced by these amendments. Applicants respectfully request withdrawal of the objections.

REJECTIONS UNDER 35 USC 102(e):

Independent Claims 1, 6, 11, and 16 each recite "a hard magnet" formed "around and in contact with the first gap spacer" and "a first pinned layer" that is "overhanging the hard magnet," a feature illustrated in Figure 4 of the application as originally filed. *Redon* fails to describe, either expressly or inherently, that the pinned layer 40 of *Redon*, used by the Examiner to show the recited first pinned layer, overhangs the hard magnet 61 of *Redon*, used by the Examiner to show the recited hard magnet. Thus, *Redon* does not anticipate Claims 1, 6, 11, and 16.

Moreover, the recited first pinned layer would not have been obvious from the teaching of *Redon*. *Redon* specifically teaches that the spacing D between the pinned layer 20 and the hard magnet 61 is "preferably ... no less than 0.02 [microns]" (col. 6, lines 48-49) to avoid "extra current channel effect" that "lower[s] the TMR ratio" (col. 5, line 43). Thus, *Redon* clearly teaches away from modifying the pinned layer 40 to overhang the hard magnet 61, and thus, *Redon* would not render such a modification obvious. Applicants also refer the Examiner to Applicants' arguments presented at pp.

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10-11 of the communication sent by Applicants on October 23, 2004 in response to the Final Office Action mailed August 23, 2004, which have not yet been answered by the Examiner. For at least the foregoing reasons, independent Claims 1, 6, 11, and 16 and their respective dependent claims are allowable over *Redon*, and accordingly Applicants respectfully request reconsideration and withdrawal of the claim rejections based on *Redon*.

REJECTIONS UNDER 35 USC 103(a):

Claims 3-5, 8-10, 14, and 19 each depend directly or indirectly on one or more claims that are allowable over *Redon* for at least the foregoing reasons. *Khan* provides no additional teaching regarding a pinned layer overhanging a hard magnet over and above that of *Redon*, and as noted above, even if *Khan* did teach such a modification to the pinned layer, *Redon* would teach away from applying that teaching to extend the pinned layer 40 of *Redon*. Thus, the *Redon-Khan* combination fails to render Claims 1, 6, 11, and 16 or their respective dependent claims obvious, and accordingly, Applicants respectfully request reconsideration and allowance of all of these claims.

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CONCLUSION

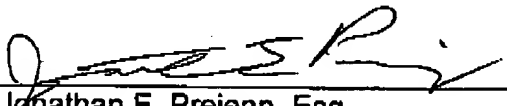
In view of the foregoing amendments and/or remarks, Applicants respectfully submit that the pending claims are now in condition for allowance and respectfully request reconsideration and allowance of all pending claims. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No.

23-1209.

Respectfully submitted,

Date: 10/18/05

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